Whether it's a favorite fishing spot, a lazy summer paddle on a meandering river, or the sun setting over a shimmering lake, Wisconsin waters are special places. They make our state a great place to live, work and play -- and they belong to all of us. Our state Constitution guarantees that navigable lakes and rivers belong to all Wisconsinites and are to be "forever free."

Wisconsin's waterway and wetland permitting program plays an important role in protecting these special places and maintaining a healthy balance of nature. The program reviews projects along publiclakes and rivers, and in wetlands, to ensure the projects do not unnecessarily harm these special places.

Such safeguards make it possible for citizens and visitors to enjoy world-class fishing, boating, hunting, wildlife watching, and sightseeing in Wisconsin. At the same time, they allow private property owners to use and enjoy land next to publicly owned lakes and rivers without degrading the waters for others.

This second annual Waterway and Wetland Program Report documents the Wisconsin Department of Natural Resources (DNR)'s efforts and achievements in carrying out our constitutional responsibility to manage public waters for the benefit of all Wisconsin citizens. We've continued to maintain a high level of protection for these public resources while improving customer service for private property owners seeking permits for their shoreline and wetland projects.

- Our 33 water management specialists fielded more than 10,000 queries and worked to modify projects where possible to eliminate the need for a permit or minimize the potential for harm to lakes, streams or wetlands.

- 5,014 permit applications in 2003

- In 97% of decisions, applicants were given the go-ahead to proceed with the project.

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- The average permit applicant waited 47 days to receive a decision in 2003, down from 110 days in 1998.

In 2003, we continued to improve our permit process and pursue innovative solutions. For example, when Lake Redstone's shoreline habitat started suffering from the increasing placement of rock riprap, which eliminated important wood and natural fish habitat, we joined with Sauk County and the Lake Redstone District to help landowners achieve the same goal in a more environmentally friendly way. The partners united to promote stabilizing shorelines by using native plants, fiber logs, and other bio-engineering materials. They held workshops to introduce local contractors and landscapers to the materials and approach. Our water management specialists issued permits for many of these projects. Many shorelines on Lake Redstone have been restored and stabilized, meeting landowners' needs, while adding to and improving habitat beneficial for fish and wildlife.

We'll bring that same commitment to proactive resource protection and improved customer service to efforts in 2004, including our work to implement a new law aimed at streamlining our permitting. All Wisconsinites and our visitors deserve to fish, swim, and boat on healthy lakes and rivers. DNR's waterway and wetland permit program will continue to preserve these special places and special memories, and secure for future generations the water legacy we all enjoy today.

Sincerely,

Mike Staggs, Director
Bureau of Fisheries Management
& Habitat Protection

March 2004

2003 - The Year of Water

2003 was declared the Year of Water by Governor Jim Doyle. Water users and policy makers of many persuasions met all over the state, DNR joined them. This collaborative effort resulted in a report from the Wisconsin Academy of Letters and Sciences, *Waters of Wisconsin: The Future of our Aquatic Ecosystems and Resources.* The report notes the critical importance of maintaining our lakes, rivers and streams, wetlands, and aquatic ecosystems and the biodiversity of our states waters (*Waters of WI* pp. 12-20). This report superbly articulates the key challenges to water managers in the near future.

Principles that conveyors agreed on embody how DNR manages public waters. The report recognizes that the "sustainability" of freshwater and a variety of aquatic ecosystems, "implies a commitment to protecting, managing, restoring, and using Wisconsin's waters in a manner that ensures the health of our aquatic ecosystems while securing their cultural, economic, and public health benefits for future generations" (*Waters of WI* pp. 92-93).

For a full copy of the *Waters of Wisconsin Report*, contact the Wisconsin Academy of Sciences, Arts, and Letters, 1922 University Avenue, Madison, WI or go to their website at www.wisconsinacademy.org.

Activities requiring permits and DNR review

Structures typically requiring permits include large piers, bridges, dams, seawalls, and other shore erosion control devices. Projects involving large-scale grading, dredging, pond construction or wetland filing also require state permits or approvals. An individual who applies for a permit must show that his/her project will not harm public rights in the waterway.

How does the DNR review permit applications?

- The DNR works with the applicant to make sure the application is complete and sees whether the project can be done in a way that doesn't need a permit - that way impacts are largely avoided.
- DNR's review includes comparing public rights in the affected lake or stream before and after the project. DNR staff work with applicants to modify projects where possible, to eliminate the need for a permit or minimize the potential for harm to lakes, streams or wetlands.
- DNR staff may inspect the project site, review data on fisheries and water quality affected by the project, consult with fish and wildlife biologists or conservation wardens to make their permit decision.
- Staff apply statute and code standards, along with agency handbooks and scientific literature, to determine whether the standards for granting a permit can be met.
- For larger projects, a newspaper notice is published giving concerned citizens 30 days to request a hearing on the project.
- Once review is complete, DNR staff delivers a written decision detailing the facts on which their decision is based.

More information about the waterway and wetland permitting program and how the permit process helps landowners and protects Wisconsin's publicly owned waters is also available on the DNR's web site at:

http://dnr.wi.gov/org/water/fhp/waterway/index.shtml

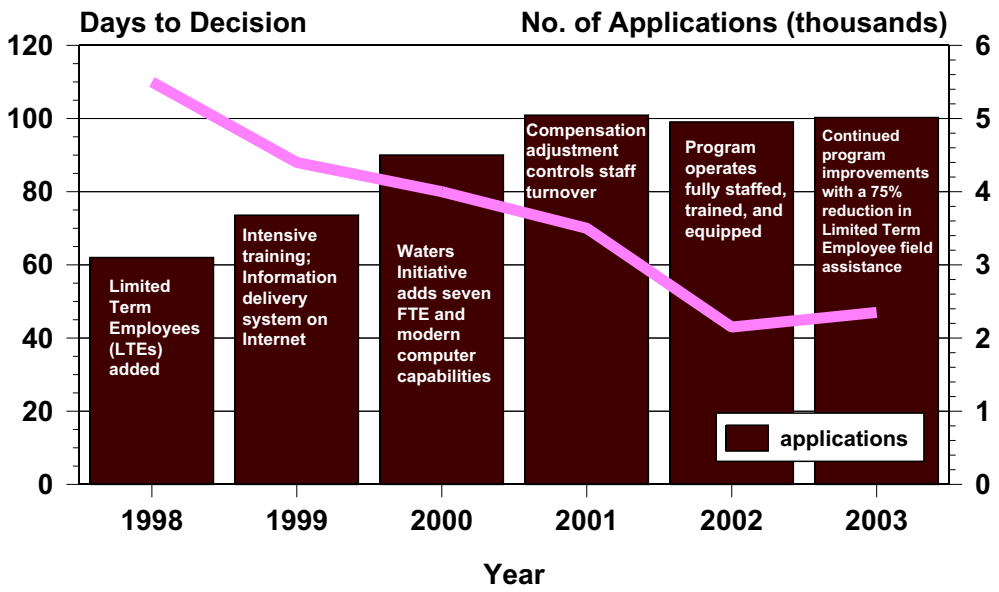

Figure 1. Between 1998 and 2003, DNR cut permit processing times in half despite a significant increase in permit applications. The average applicant waited 47 days for a decision in 2003, down from 110 days in 1998. Total applications may vary from past years as records are continually entered. Key management actions are identified by year.

Applicants face shorter wait as DNR permit turnaround times shrink

While DNR's job is safeguarding the public's rights in public waters, we understand that time is money for people hiring contractors or developing land. That's why we monitor how long it takes to move a waterfront or wetland project from application to decision. This includes time taken by the applicant to submit complete designs and analyses, review by waterway and wetland permit staff, as well as other DNR staff, and public comment periods.

We continue to strive for shorter decision times through a variety of steps including setting standards, training, maintaining experienced staff, and continuing to improve web based technology.

The result of these improvements allow DNR staff to review more permits in less time. In 2003, the agency reviewed 5,014 permits and decisions were received in an average of 47 days. This decision time is down from 110 days five years ago (Figure 1). Permit decision time is the mean value of days to decision from application to decision for decided permits in a calendar year. Decided permits are those with decision dates between January 1 and December 31 of the reporting year. The mean value is the sum of the number of days for each decision in a year divided by the number of decisions made for that year. Permit processing times will also be available quarterly on our website.

In 2003, 53% of all applicants received their permit decision in 30 days or less, 28% in 90 days or less, 16% in 91-180 days, and only 3% in more than180 days (Figure 2). Decisions were made well within the deadlines required by statute. This is accredited to staff using newer electronic systems that advance longer pending projects. The longer decision times typically represent complex projects requiring multiple permits or

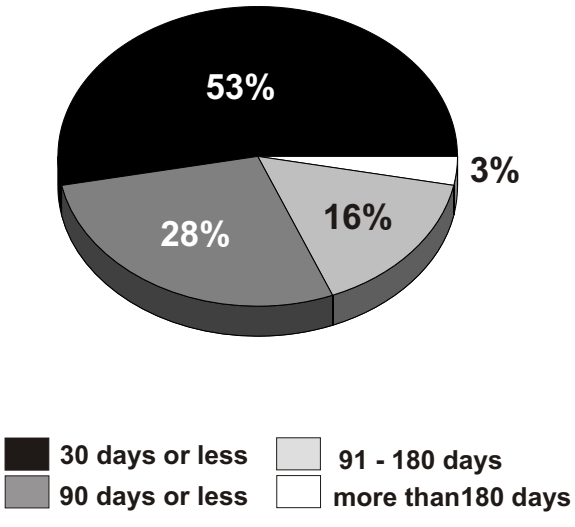

Figure 2. Waterway and wetland permit decision times in 2003.

where local controversy needs to be resolved. Ten contested cases were decided in 2003 where the decision time included a hearing to consider objections or concerns of neighbors and other affected parties.

Permit Approval Rate Remains High; Process Benefits Environment and Landowner

The 2003 approval rate remains high because we continue to work one-on-one with people on project modifications that meet their needs while protecting lakes, streams, and wetlands (Figure 3). These changes often end up saving applicant's time, money, and hassles.

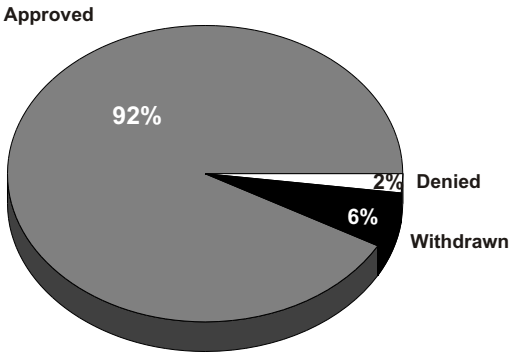

Figure 3. Waterway and wetland permit decision outcomes in 2003.

Protecting Public Resources Across Wisconsin

In 2003, lakes, streams, and wetlands across the state were subject to 5,014 requested alterations. (1,825 projects involved alterations to lakes, 2,600 altered streams, and 591 projects involved wetland alterations) In 2003, riprap, seawalls and other measures to control shoreline erosion were the most requested activity, consisting of 32% of all permits approved (Figure 4).

Enforcement Projects Resources, Promotes Fairness to Those Who Follow the Rules

In 2003, 163 individuals or businesses that violated laws established to protect lakes, streams or wetlands were cited by conservation wardens or referred to prosecuting agencies.

A large number of violations in 2003 involved grading activities with 82 violations (30% of the total violations). Another large category included dredging with 38 violations (14 % of the total violations). The

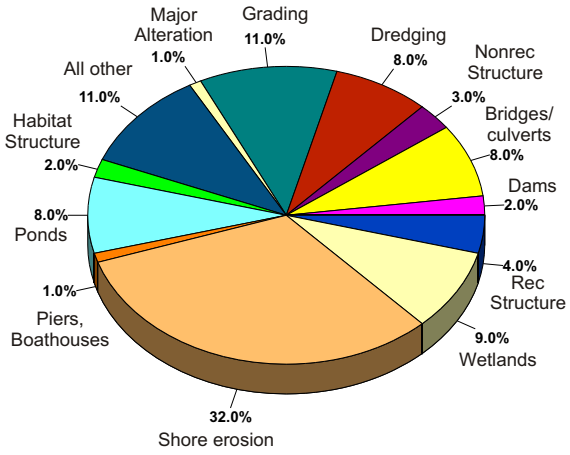

Figure 4. The distribution of waterway and wetland permits on Wisconsin's lakes, streams, and wetlands in 2003.

"other"category includes obstructions to navigation, structures, channel changes, diversions, cutting aquatic plants, and fish habitat structure.

A $100,000 fine was the largest judgement handed down for violating navigable water regulations in 2003.

More People, More Uses of Public Waters: Meeting the Challenges

What is DNR doing to improve its permit program? Managing situations when public and private rights meet has never been easy and the challenges are growing. The major ways we intend to manage these challenges are described below.

• Clarify standards and streamline procedures

In 2003, we developed or refined standards for shore erosion control structures, piers, culverts, and small grading projects. All of which are being promulgated as standards under the 2004 Chapter 30 legislative revisions. We began work to consolidate Chapter 30 grading permits and NR 216 stormwater permits for construction sites, which now requires a separate DNR permit process. For applicants this will mean a single form and single decision from DNR for grading.

The DNR Waterway and Wetland program is committed to continually evaluating its performance and making changes that improve the process and environmental protection. Once a permit is issued, the approved project often permanently alters the waterway, wetland, or shoreline. We must all consider the future and those who will follow when we make these claims on our public waters. The impacts of many small actions or

waterfront projects may be difficult to see today, but will be great over time.

For example, stream researcher, Dr. Lizhu Wang and colleagues analyzed the relation of the amount and spatial pattern of land cover with stream fish communities, in-stream habitat, and base flow of 47 small southeastern Wisconsin watersheds. These results

suggest that there is little change in the number of fish species, habitat, or base flow at an impervious surface level (streets, parking lots, roofs, etc.) less than 8%. However, at an impervious surface level of 12% these stream factors become severely degraded. In other words, nature doesn't always respond to gradual change in a smooth way. Recent gains in our scientific understanding of lakeshores and streams, underscores how landowners along the water's edge have a great responsibility for and a great investment in a healthy future for Wisconsin lakes and rivers. Today's decisions have great consequences for all users, now and in the future.

• Seek partnerships to save time and reduce duplication

In 2003, DNR continued to develop partnerships to achieve more efficient decision making for all. Examples of partnerships include two key agreements, one between DNR and the Public Service Commission (PSC) and another between the Department of Agriculture, Trade, and Consumer Protection and the DNR.

The PSC-DNR agreement will consolidate the two agency processes and speed decisions regarding the building of powerplants, energy pipelines, and

transmission lines. The DATCP-DNR agreement will do the same for dredging on farms that depend on drained lands.

The Wisconsin Gas Lateral Project exemplifies a successful partnership among the DNR, PSC, WE Energies, environmental groups, and citizens to agree on the construction techniques and route of a natural gas pipeline in southeastern Wisconsin.

The initial proposed route crossed a large complex of interconnected wetlands, part of which the state had acquired with federal habitat protection funds. Environmental groups and landowners sought a contested case hearing on the permit application. All parties worked together intensively over several months to develop a detailed agreement about the proposed route, construction techniques, and landscape restoration. Detailed plans demonstrated that the project could be carried out in an environmentally sound way. The project modifications reduced the wetland impact from 130 acres to 50 acres and avoided sensitive lakes and streams. This successful partnership worked to protect resources and restore areas where harm could not be avoided.

For more information on partnerships please visit our partnership page on the web at: http://dnr.wi.gov/org/water/fhp/waterway/partnerships/index.shtml

• Use technology to make DNR information and technical assistance easily available

New improvements to our website include revamping our data document system, which stores all permit documents for individual projects and the addition of a small business assistance permit primer web page. This

new online tutorial will walk business owners through the first steps of a virtual permitting process. Check it out at: http://dnr.wi.gov/permitprimer/

The Wisconsin Wetland Inventory continues to improve its new methodology for creating digital orthophotography (aerial photos without distortion).

The goal is to eventually have complete statewide seamless coverage available for downloading from the Internet. This year, federal funding from EPA has allowed us to hire limited term staff to hasten the digital mapping process.

Readily available information about water resources is critical to helping people avoid purchasing property that can not be used in the way they want or that requires major alterations. Over time, we expect to catalog navigable waters and make all of our information on public waters available electronically.

To get updated information on proposals before the Natural Resources Board, please visit:

http://dnr.wi.gov/org/nrboard

• Recruit and retain critical mass of top-notch professional staff

While the work we do to clarify standards and streamline procedures, seek partnerships, and use web-based technology is all important to improve efficiency and service, many Wisconsin citizens still want that "personal touch" - a live person to guide them in their waterfront projects. These personal interactions cannot be tracked by databases, but are essential for giving property owners the support they deserve, and to ensure good stewardship of the land and water. Thirty-three trained Water Management Specialists around the state review permit applications, and provide this personal assistance on waterway and wetland issues to an estimated 10,000 customers each year. Providing a high level of service is challenging as state budget cuts have led to major reductions in support and customer service staff. This results in the addition of administrative duties such as data entry, photocopying, and routine correspondence to the already demanding technical workload of our water management specialists.

To support staff in meeting efficiency and consistency goals, five regional habitat experts and five staff in Madison provide training, troubleshooting on complex applications and emerging issues, data and budget systems, and educational tools. They also work with statewide interest groups to develop standards and policy. All staff must complete a comprehensive training program in order to sign decisions, as well as continually upgrading their professional skills and updating knowledge of the laws. To preserve this investment in training, we offer modest salary incentives to senior staff. Today, our staff brings an average of over 10 years experience to the daily task of balancing public and private rights in Wisconsin's waters.

If you have questions about the content of this report or want further information, contact:

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mary.vollbrecht@dnr.state.wi.us

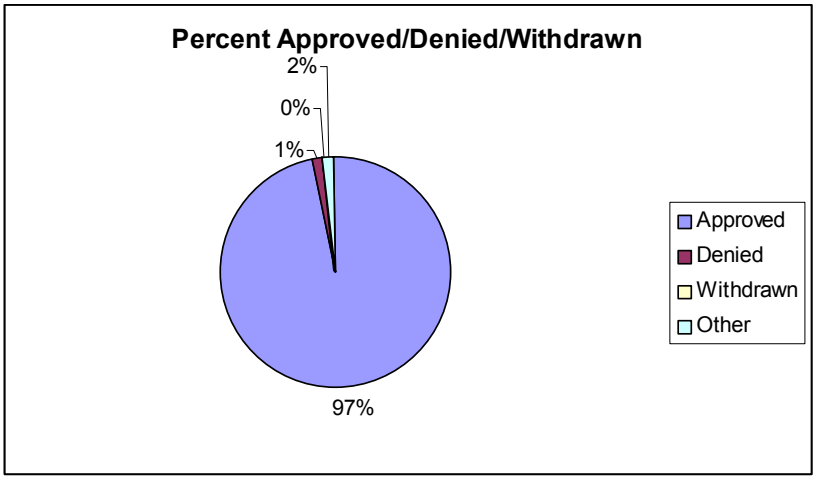
2003 Waterway & Wetland Annual Report
Data Appendix STATEWIDE

The 2003 Annual Report Data Appendix highlights a statewide overview of the Waterway and Wetland Permitting Program. In 2003, there were 5,014 initial applications with 2,347 permits decided.

OUTCOME

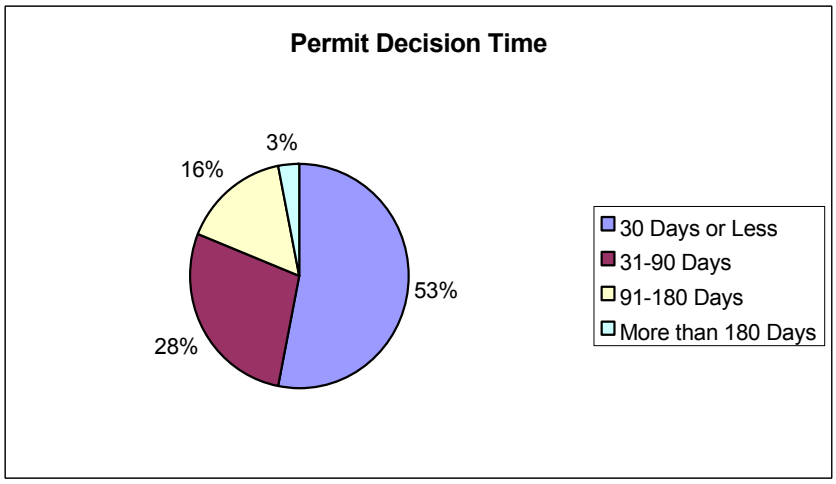
Permits	Percent	Number
Approved	97%	2275
Denied	1%	34
Withdrawn	2%	38
Other	0%	0
Total	100%	2347

The percent of decided permits in 2003



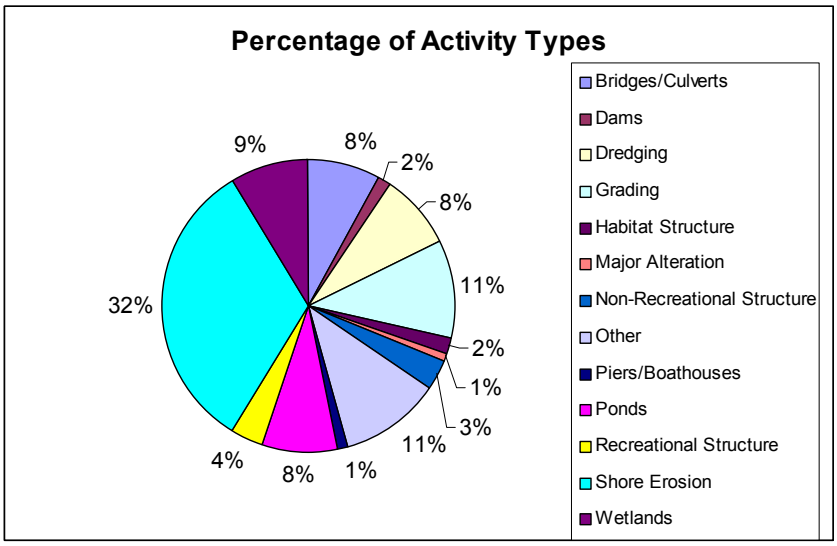
DECISION TIME

Permits	Percent	Number
30 Days or Less	53%	1234
31-90 Days	28%	659
91-180 Days	16%	383
More than 180 Days	3%	71
Total	100%	2347



ACTIVITY TYPE

Type of Permit	Number	Percent
Bridges/ Culverts	404	8%
Dams	76	2%
Dredging	406	8%
Grading	546	11%
Habitat Structure	83	2%
Major Alteration	51	1%
Piers/Boat-houses	52	1%
Ponds	423	8%
Shore Erosion	1646	32%
Wetlands	428	9%
Recreational Structures	184	4%
Non-Recreational Structures	162	3%
Other	553	11%
Total	5014	100%



Other = Diversions, water levels/flows, non metallic mining,

Outcome By Activity Type

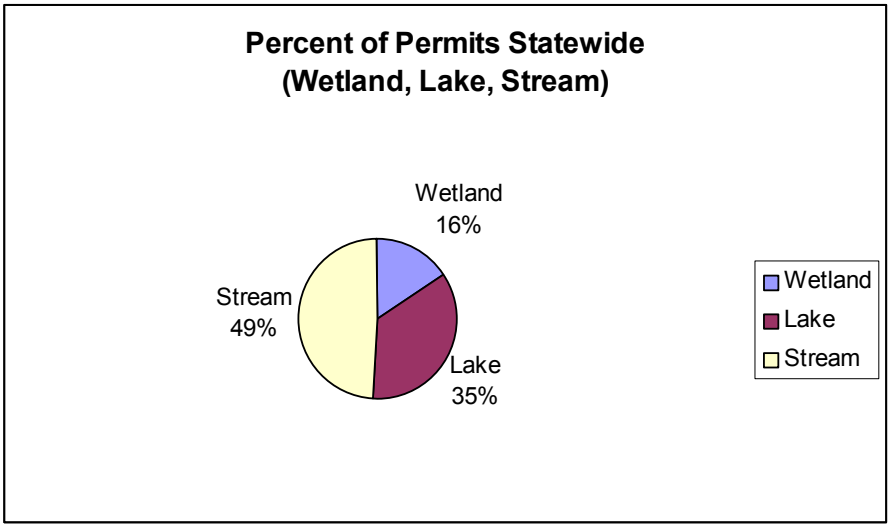
Type of Permit	Number % Approved	Number % Denied	Number % Withdrawn	Number % Other	Totals
Bridges/ Culverts	244 70%	2 1%	24 9%	0 0%	270 100%
Dams	36 88%	1 2.5%	3 7%	1 2.5%	41 100%
Dredging	263 93%	1 0%	20 7%	0 0%	284 100%
Grading	311 92%	0 0%	27 8%	0 0%	338 100%
Habitat Structure	67 94%	0 0%	4 6%	0 0%	71 100%
Major Alteration	20 77%	1 4%	5 19%	0 0%	26 100%
Piers/Boat-houses	25 73.5%	2 6%	7 20.5%	0 0%	34 100%
Ponds	284 91%	2 0%	27 9%	0 0%	313 100%
Shore Erosion	1371 96%	42 2.5%	22 1.5%	0 0%	1435 100%
Wetlands	228 82.5%	17 6%	32 11.5%	0 0%	277 100%
Non-Recreational Structure	119 96%	0 0%	5 4%	0 0%	124 100%
Recreational Structure	123 95%	1 1%	5 4%	0 0%	129 100%
Other	268 89%	5 2%	27 9%	2 1%	302 100%

Decision Time By Activity Type

Activity Type	Number % 30 Days or Less	Number % 31-90 Days	Number % 91-180 Days	Number % 180 Days +	Totals
Bridges/ Culverts	62 5%	57 9%	38 10%	8 11%	157 100%
Dams	3 0%	12 2%	6 2%	3 4%	24 100%
Dredging	50 4%	49 7%	26 7%	6 8%	131 100%
Grading	10 1%	127 19%	115 30%	16 23%	268 100%
Habitat Structure	37 3%	17 3%	6 2%	1 1%	61 100%
Major Alteration	4 0%	3 1%	11 3%	2 3%	20 100%
Piers/Boat-houses	6 1%	5 1%	3 1%	0 0%	14 100%
Ponds	82 7%	57 9%	7 10%	7 1%	153 100%
Shore Erosion	742 60%	164 25%	39 10%	7 1%	952 100%
Wetlands	41 3%	65 10%	44 11%	6 9%	156 100%
Non-Recreational Structure	60 5%	27 4%	12 3%	0 0%	99 100%
Recreational Structure	36 3%	24 4%	7 2%	1 1%	68 100%
Other	102 8%	52 8%	36 9%	14 2%	204 100%

WATERS AFFECTED

Permit Type	Number	Percent
Wetland	797	16%
Lake	1756	35%
Stream	2461	49%
Total	5014	100%



Statewide Totals: lake acres, stream miles, wetland acres

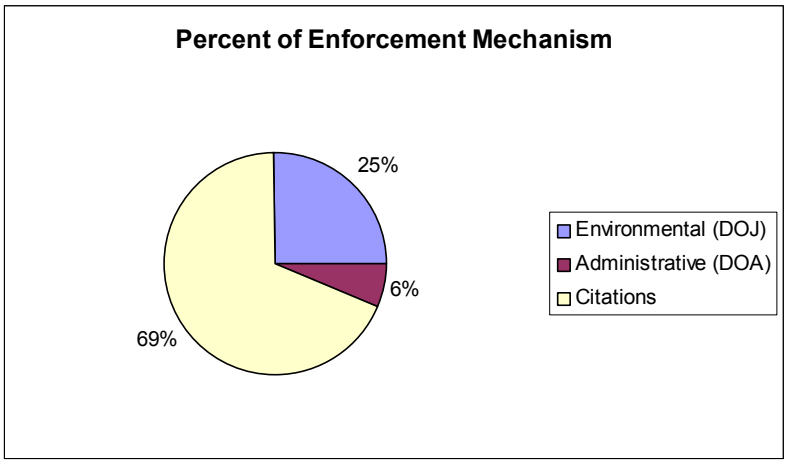
Waterway Type	Distance total
Wetland Acres	5,345,772
Lake Acres	982,962
Stream Miles	49,885

ENFORCEMENT MECHANISM

There were 163 permit enforcement actions in 2003. The enforcement categories include Environmental (DOJ), Administrative (DOA), and Citations.

Enforcement Mechanism Statewide

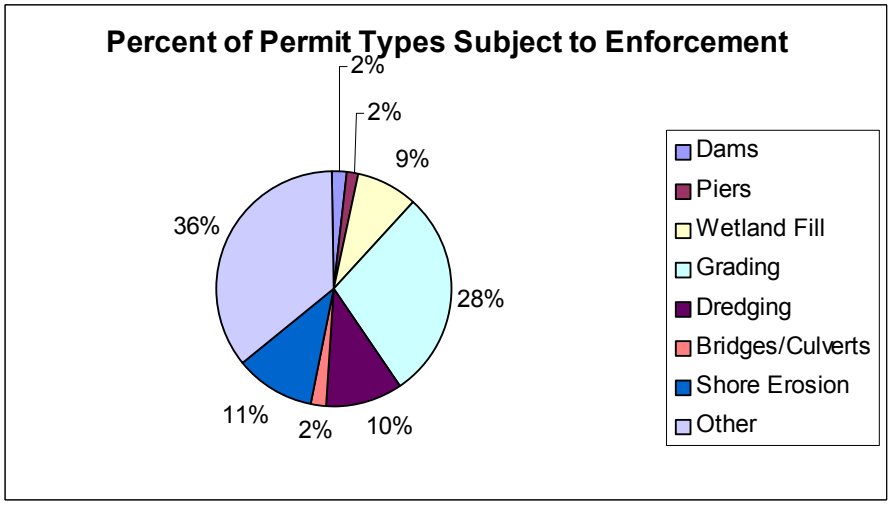
Enforcement mechanism	Number	Percent
Environmental (DOJ)	41	25%
Administrative (DOA)	10	6%
Citations	112	69%
Total	163	100%



Other = obstruction to navigation, structures, channel changes, diversions, cutting aquatic plants, fish habitat structure

ENFORCEMENT ACTIVITY

Permits	Number	Percent
Dams	3	2%
Piers	3	2%
Wetland Fill	14	9%
Grading	46	28%
Dredging	17	10%
Bridges/ Culverts	3	2%
Shore Erosion	18	11%
Other	59	36%
Total	163	100%



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